

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 2/13/2025
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JACQUELINE LOPEZ,

Plaintiff,

-against-

MARTIN O'MALLEY,¹ *Commissioner of Social Security*,

Defendant.

1:20-cv-07912 (MKV) (SDA)

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

MARY KAY VYSKOCIL, United States District Judge:

Plaintiff Jacqueline Lopez's attorneys, Seelig Law Offices, LLC, requests that the Court approve attorneys' fees of \$21,890.13 pursuant to 42 U.S.C. § 406(b). [ECF No. 35]. The United States Attorney's office for the Southern District of New York submitted a letter expressing that the Commissioner neither supports nor opposes the request for attorneys' fees. [ECF No. 40]. On June 27, 2024, Magistrate Judge Aaron filed a Report and Recommendation. [ECF No. 41 (the "Report and Recommendation" or the "Report")]. No party timely filed any objections to Magistrate Judge Aaron's Report and Recommendation, nor has the Court received any untimely objections as of the date of this order.

In reviewing a magistrate judge's report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). The Court reviews a report and recommendation to which no objections are filed for clear error. *See* Fed. R. Civ. P. 72; *Colvin v. Berryhill*, 734 F. App'x 756,

¹ On December 20, 2023, Martin O'Malley became the Acting Commissioner of Social Security, succeeding Commissioner Kilolo Kijakazi. Accordingly, pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, the Court has substituted Martin J. O'Malley in the caption in place of Kilolo Kijakazi. No further action need be taken to continue this suit. *See* 42 U.S.C. § 405(g).

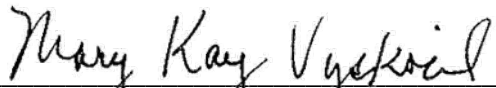
758 (2d Cir. 2018); *Edwards v. Fischer*, 414 F. Supp. 2d 342, 346–47 (S.D.N.Y. 2006). The reasoning and conclusions of Magistrate Judge Aaron’s Report and Recommendation are sound and well-supported, and the Court, therefore, adopts them.

It is therefore ORDERED that the Court ADOPTS the Report in its entirety. Accordingly, Plaintiff’s Motion for attorneys’ fees is GRANTED. Specifically, Plaintiff’s counsel should be awarded \$21,890.13 in fees and Plaintiff’s counsel is required to refund the previously paid EAJA fees of \$8,800.00 directly to Plaintiff.

The Clerk of the Court respectfully is directed to terminate the motion at ECF No. 35 and close this case.

SO ORDERED.

Date: February 13, 2025
New York, NY



MARY KAY VYSKOCIL
United States District Judge